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FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 6905

Complaint Receipt Date: November 20, 2014

Response Date: January 16, 2015

Respondents: Lawrence Lessig; CELA
Mayday PAC and Cyrus Patten
in his official capacity as
treasurer¹ (collectively
the "Committee")

EPS Rating:

Alleged Statutory/

Regulatory Violations:

52 U.S.C. §§ 30120(a)(3), (c)(2), (d)(2)

11 C.F.R. §§ 110.11(a), (b)(3), (c)(2), (4)

The Complaint alleges that the Committee,² an independent-expenditure only political committee, violated the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by distributing a series of television advertisements, radio advertisements, and mail pieces that did not comply with the Commission's disclaimer requirements. Specifically, according to the Complaint, the written and oral portions of the televised advertisements omitted language stating that Mayday PAC "is responsible for the content of this advertising," while the radio advertisements also failed to include the language "not authorized by any candidate or candidate's committee,"³ and some of the radio advertisements did not include Mayday PAC's street address, phone number, or web address, in violation of 52 U.S.C. § 30120(a)(3), (d)(2) and 11 C.F.R. §§ 110.11(b)(3), (c)(4). The Complaint finally alleges that the disclaimers on the mailers failed to state that they were not authorized by any candidate or candidate's committee and were not contained within a printed

¹ Mark McKinnon was the Committee's treasurer during the time period at issue. Mr. Patten is currently the Committee's treasurer.

² The Complaint states that the Committee was founded by Lessig.

³ The advertisements apparently said "not affiliated with any candidate or campaign."

1 box, as required by 52 U.S.C. § 30120(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii). Respondents
2 argue that the advertisements all include language stating that they were paid for by Mayday
3 PAC, the contents of the advertisements included enough information so that the public would
4 not have been misled as to who had sponsored them, and the Committee took "prompt corrective
5 action" by developing stricter internal controls to ensure compliance.

6 Based on its experience and expertise, the Commission has established an Enforcement
7 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
8 assess whether particular matters warrant further administrative enforcement proceedings. These
9 criteria include (1) the gravity of the alleged violation, taking into account both the type of
10 activity and the amount in violation; (2) the apparent impact the alleged violation may have had
11 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent
12 trends in potential violations and other developments in the law. This matter is rated as low
13 priority for Commission action after application of these pre-established criteria. Given that low
14 rating and the other circumstances presented, we recommend that the Commission dismiss the
15 allegations consistent with the Commission's prosecutorial discretion to determine the proper
16 ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32
17 (1985). We also recommend that the Commission close the file as to all respondents and send
18 the appropriate letters.

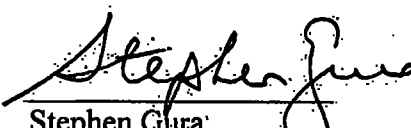
19 Daniel A. Petalas
20 Acting General Counsel
21

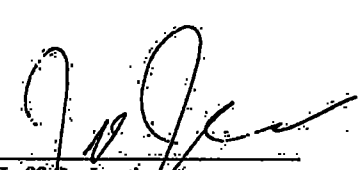
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23 Kathleen M. Guith
24 Acting Associate General Counsel
25 for Enforcement
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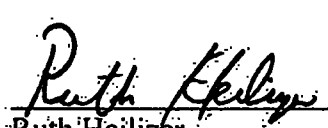
8.29.16

Date

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